



Reprinted
March 30, 2007

ENGROSSED HOUSE BILL No. 1324

DIGEST OF HB 1324 (Updated March 29, 2007 2:41 pm - DI 110)

Citations Affected: IC 25-37.5.

Synopsis: Valuable metal dealers. Adds copper, copper alloy, brass, aluminum, or aluminum alloy that is readily used or useable on residential or commercial property to the definition of "valuable metal." Requires valuable metal dealers to make and retain copies of government issued photographic identification used to verify the identity of persons from whom the dealers purchase valuable metal. Provides that a valuable metal dealer may not accept a damaged or an undamaged metal beer keg if: (1) the keg is clearly marked as the property of a brewery manufacturer; or (2) the keg's identification markings have been made illegible. Requires the superintendent of the state police department to prepare and distribute a list to each valuable metal dealer describing the valuable metal products of interest for use on residential or commercial property. Removes certain notification requirements for valuable metal dealers.

Effective: July 1, 2007.

Crooks, Lutz J, Bardon, Klinker

(SENATE SPONSORS — HERSHMAN, MISHLER)

January 16, 2007, read first time and referred to Committee on Government and Regulatory Reform.

January 17, 2007, reassigned to Committee on Commerce, Energy and Utilities.

January 26, 2007, amended, reported — Do Pass.

January 30, 2007, read second time, ordered engrossed. Engrossed.

February 1, 2007, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.

March 15, 2007, reported favorably — Do Pass.

March 29, 2007, read second time, amended, ordered engrossed.

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EH 1324—LS 6881/DI 69+



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1324

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-37.5-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) When used in this
3 chapter, "valuable metal" means any product made of copper, copper
4 alloy, brass, aluminum, or aluminum alloy that is readily used or
5 useable:
6 (1) by a public utility, railroad, county, city or state highway
7 department, public or private school, or an institution of higher
8 education; **or**
9 (2) **on residential or commercial property.**
10 (b) As used in this chapter, "valuable metal dealer" means any
11 individual, firm, corporation, limited liability company, or partnership
12 engaged in the business of purchasing and reselling valuable metal
13 either at a permanently established place of business or in connection
14 with a business of an itinerant nature, including junk shops, junk yards,
15 junk stores, auto wreckers, scrap metal dealers or processors, salvage
16 yards, collectors of or dealers in junk, and junk carts or trucks.
17 (c) As used in this chapter, "purchase" means acquiring a valuable

EH 1324—LS 6881/DI 69+



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metal product or products by a valuable metal dealer in a single transaction of one hundred dollars (\$100) or more for a consideration, but does not include purchases between scrap metal processing facilities (as defined in IC 8-12-1-3(d)).

SECTION 2. IC 25-37.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided by the state police department for each purchase of valuable metal the following information:

(1) The name and address of the dealer.

(2) The date and place of each purchase.

(3) The name, address, age, **and** driver's license number or Social Security number of the person or persons from whom the valuable metal was purchased.

(4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal was purchased by use of a government issued photographic identification. The dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal was purchased, together with the:

(A) name of the government agency that issued the photographic identification; and

(B) identification number present on the government issued photographic identification.

~~(4)~~ (5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal was delivered to the dealer.

~~(5)~~ (6) The price paid for the metal.

~~(6)~~ (7) A description and weight of the valuable metal purchased.

(b) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal was purchased. However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

~~(b)~~ (c) The completed form **and the copy of the government issued photographic identification described in subsection (b)** shall be kept

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in a separate book or register by the dealer and shall be retained for a period of two (2) years. Such book or register shall be made available for inspection by any law enforcement official at any time. ~~Within twenty-four (24) hours from the date of purchase of a valuable metal the valuable metal dealer shall notify the local law enforcement agency in writing or orally of the description of the purchase and the name of the individual who sold the product to the dealer. Notification is not required for such purchases if a bill of sale or other evidence of ownership is presented at the time of the sale of the product to the dealer from a public utility, railroad, county, city or state highway department, public or private school, or an institution of higher education.~~

(d) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

SECTION 3. IC 25-37.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing:

(1) valuable metal products of interest to public utilities, railroads, county, city or state highway departments, public or private schools, or an institution of higher education; and

(2) valuable metal products of interest for use on residential or commercial property.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred House Bill 1324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 27, begin a new paragraph and insert:

"(d) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

- (1) The keg is clearly marked as the property of a brewery manufacturer.**
- (2) The keg's identification markings have been made illegible."**

and when so amended that said bill do pass.

(Reference is to HB 1324 as introduced.)

CROOKS, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1324 as printed January 26, 2007.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Mishler be added as cosponsor of Engrossed House Bill 1324.

HERSHMAN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1324 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-37.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) When used in this chapter, "valuable metal" means any product made of copper, copper alloy, brass, aluminum, or aluminum alloy that is readily used or useable:

(1) by a public utility, railroad, county, city or state highway department, public or private school, or an institution of higher education; **or**

(2) **on residential or commercial property.**

(b) As used in this chapter, "valuable metal dealer" means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks.

(c) As used in this chapter, "purchase" means acquiring a valuable metal product or products by a valuable metal dealer in a single transaction of one hundred dollars (\$100) or more for a consideration, but does not include purchases between scrap metal processing facilities (as defined in IC 8-12-1-3(d))."

Page 2, line 13, after "purchased." insert "**However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.**".

Page 2, line 18, strike "Within".

EH 1324—LS 6881/DI 69+



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Page 2, strike lines 19 through 27.

Page 2, after line 33, begin a new paragraph and insert:

"SECTION 3. IC 25-37.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing:

- (1) valuable metal products of interest to public utilities, railroads, county, city or state highway departments, public or private schools, or an institution of higher education; **and**
- (2) **valuable metal products of interest for use on residential or commercial property.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1324 as printed March 16, 2007.)

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